

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR JULY 2, 2007

The **Regular Meeting** of the Council of Commissioners was called to order Monday, **July 2, 2007** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

9 present, 4 absent. Commissioners Fay, Mulcahy, Coleman, and O'Leary were absent.

PRAYER

Commissioners were led in prayer by Commissioner Foley.

APPROVAL OF THE MINUTES OF THE JUNE 20, 2007 REGULAR MEETING

It was moved by Commissioner Lee, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to approve the Minutes of the June 20, 2007 Regular Meeting.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported that they have had their first meeting of the Ad Hoc Swimming Pool Committee. They are gathering all of the specifications and checking to see if they can go through the Montana Board of Investments for a bond. He also reported that Shelly Jones from his office has taken on the project of the Yellow Ribbons. She has been checking out whether they would use wood, steel or fiberglass for the new ribbons. Extreme Concepts has come back with a bid for \$7.00 a ribbon. That's the cheapest we have found. She's also checking out some kind of a sticker to put the names on the ribbons. Two hundred ribbons

were taken down. We're estimating it's going to cost \$10.00 a ribbon. A problem is that there was never a database kept on those ribbons so we are going to have to go through the ribbons and find out who the people were and see if we can contact their family members to see if they are still active in the service. We are working with the Headwaters RC& D and would use their 5013 status and have it where people can sponsor a ribbon.

We did meet with a group that is trying to re-establish passenger service across the state of Montana. We want to make sure that if passenger service does come back that Butte is not left off the map.

SECTION I BID OPENING

**SEALED BIDS FOR THE EXCELSIOR STREET RECLAMATION PROJECT.
(Communication No. 07-420 being held in Committee of the Whole) Proof of
publication was noted and placed on file.**

Jon Sesso, Planning Department Director, opened the following bids:

	<u>Base</u>	<u>Alternative</u>
Beckman Excavating, Butte, MT	\$91,700.00	\$29,000.00
Acme Asphalt Industries, Anaconda, MT	49,855.61	19,836.00
Jordan Contracting, Anaconda, MT	33,830.00	6,070.00
Gilman Construction, Butte, MT	59,360.00	12,200.00
Johnson Construction, Anaconda, MT	50,750.00	12,000.00
Zemljak Excavating, Butte, MT	62,277.00	14,181.00

Mr. Sesso recommended that the bids be referred to the Planning Department and Butte-Silver Bow Staff and our consultant to review and prepare a recommendation for award.

It was moved by Commissioner Lee, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to refer the six bids for the Excelsior Street Reclamation Project to the Planning Department and consultants for review and report back to council with the recommendation.

SECTION II PRESENTATION COMMUNICATION NO. 07-468

Tina Morin, Morin Law Firm, requesting time on the 7/2/97 agenda to make a power presentation about geothermal power development.

Tina Morin of the Morin Law Firm and the attorney representing Park Street Properties explained that Dennis Lester and his wife, Johanna are requesting consideration by this body of a lease between Butte-Silver Bow and Park Street Properties. The lease would be for the Mountain Con, Stewart, and Travonia

Mine sites with the option to lease additional mine sites owned by Butte-Silver Bow in the near future. They plan to explore and develop geothermal energy in Butte. She then introduced Mr. Lester who showed a power point presentation. Several commissioners had questions of Mr. Lester.

It was moved by Commissioner Lee, seconded by Commissioner Frasz and carried by a unanimous verbal vote to refer the geothermal power development to the Technical Review Committee for review and study and report back.

SECTION III

CONSENT AGENDA

- A.**
1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner Lee segregated under Communications, Number 5, Communication No. 07-459. Commissioner Sheehy segregated Section B, No. 11, Communication No. 07-467.

It was moved by Commissioner Lee, seconded by Commissioner Moodry and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4, Section B, Items 1 through 18 with the exception of Items 5 and 11.

Communication No. 07-459

Commissioner Lee said he was informed by Helen Walsh, Council Secretary, that Jean Steele desires to pull her communication from the agenda. He then moved to place this communication on file. The motion was seconded by Commissioner Sheehy and carried by a unanimous verbal vote.

Communication No. 07-467

Commissioner Sheehy moved to change the recommendation on Communication No. 07-467 to “refer to Finance and Budget Committee”. The motion was seconded by Commissioner Moodry and carried with a unanimous verbal vote.

SECTION IV

COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-460 Paul Babb, Chief Executive, requesting concurrence in confirmation of Jarod Gonzalez as a firefighter with Butte-Silver Bow Fire Department.

seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Bill No. 07-10, Ordinance No. 07-10 on second reading and passed having been deemed fully read at length.

SECTION VII

ORDINANCES AND RESOLUTIONS – FINAL READING

1. COUNCIL RESOLUTION NO. 07-44

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE DAVIS MINOR SUBDIVISION – SUMMARY REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN **It was moved by Commissioner Lee, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 07-44 on final reading and passed having been deemed fully read at length.**

2. COUNCIL RESOLUTION NO. 07-45

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE FLEECER VIEW MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee and seconded by Commissioner Sheehy to place Council Resolution No. 07-45 on final reading and passed having been deemed fully read at length.** On the question Commissioner Sheehy asked if Holly Hanson's questions were ever answered. Mr. Babb said he did not know the answer to that and since no one was here to speak the motion passed with a roll call vote of 8 yeas, 0 nays and 4 absent.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner Lee, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:30PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER